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ELAB
SUBJECT: GABON: TRAFFICKING IN PERSONS REPORT 2008

REF: STATE 2731

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¶1. (U) Embassy POC for Trafficking in Persons (TIP) issues is Poloff Leslie Doumbia, Tel: 241-76-20-03, Mobile: 241-07-91-02-21, Fax: 241-74-55-07. To prepare this report, Poloff Leslie Doumbia spent 25 hours, Political Assistant Cedric Pehoua spent 15, DCM Nathan Holt spent five 5 hours, and Ambassador Eunice Reddick spent one hour.

¶2. (U) Following responses are keyed to reftel paras 27-30.

¶3. (SBU) Overview of Gabon's activities to eliminate trafficking in persons:

27-A: Gabon is primarily a destination country for children trafficked from Benin, Nigeria, Togo, and Guinea, among other countries. Informal and unsubstantiated estimates of the number of persons trafficked range from several hundred to several thousand. Girls are employed as domestic servants, in market vending, and as staff in roadside restaurants, while boys are employed in small workshops and as street vendors. More recently, young adults appear to have been trafficked to Gabon under false pretenses to work as forced domestic servants and prostitutes. The victims are typically trafficked into the country by boat and deposited on one of many deserted beaches to avoid detection. Gabon has only a minimal ability to patrol its coastal waters and its land borders are likewise poorly policed. Gabon therefore has only a minimal ability to prevent the entry of persons, including trafficking victims, into the country. The United States is providing assistance to help Gabon improve its coastal patrol capabilities.

The trafficking of young adults, believed to be on the increase, is in some cases difficult to distinguish from traditional labor migration. Gabon is a destination country for labor migration from other, poorer African states. Officials in Gabon consistently contend that a single-country approach to trafficking is counterproductive. Gabon supports and participates in regional initiatives against trafficking.

Comprehensive official statistics on trafficking are unavailable, although the government has provided some data on efforts to combat trafficking. NGO's and UN organizations, particularly UNICEF, are other sources of information on trafficking, and information appears occasionally in the Gabonese press. There is an inter-ministerial committee that regularly meets to follow child trafficking issues. They are finalizing their report of 2007 activities and preparing their plan of action for 2008.

27-B:

There is evidence that the nature of trafficking in Gabon is changing to include older victims in locations other than Libreville. Active law enforcement and increased awareness have forced traffickers to change their tactics. While the majority of the victims are still employed in various forms of forced labor, there are fewer victims visible to the mainstream population. There appears to be also an increased number of victims used for commercial sex work, specifically in the city of Port Gentil.

Most trafficking victims continue to arrive from Benin, Togo, Nigeria, and Guinea, with smaller numbers coming from Sierra Leone, Liberia, Burkina Faso, and Cameroon. Most are employed in Libreville and Port Gentil, but victims are also found in smaller towns in the interior, including Oyem, Gamba, Tchibanga, and Franceville. The great majority arrive by boat (pirogues). Many victims arrive in Gabonese waters in large pirogues that remain over the horizon and transfer passengers to smaller pirogues that take advantage of Gabon's numerous estuaries and rivers to infiltrate children and other trafficking victims into the interior.

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Traffickers/exploiters appear to operate in loose ethnic-based crime networks. Most of the traffickers of children are women. As best we can determine, large international organized crime syndicates are not involved; neither are employment, travel and tourism agencies or marriage brokers.

27-C: The Gabonese Department of Labor houses the inter-ministerial committee charged with coordinating the government's activities to combat child trafficking. This committee includes representatives from the ministries of interior, foreign affairs, social affairs, justice, human rights, transportation, and family affairs.

27-D: Although Gabon is wealthier than many of its neighbors, key government institutions, including the police, the navy, the ministry of labor, and the ministry of social welfare, are under-funded. Gabon therefore faces serious obstacles in efforts to effectively police borders, investigate alleged trafficking, assist victims and bring perpetrators to justice. Corruption is also a significant problem in Gabonese society, reducing significantly the effectiveness of government actions.

Government agencies rescued 30 children of various ages believed to be victims of trafficking in 2007, according to government statistics. Of these, the majority were placed in natural or foster families. Eight fled and are believed to have returned to live on the streets. There are three NGOs in Gabon working with trafficked children.

27-E: The Department of Labor, via the inter-ministerial committee, is in the process of mapping the resources and capabilities of all of the actors (internal departments, international organizations, and bilateral partners) working in Gabon in the fight against child trafficking, in an effort to identify and address gaps. Gabon has participated in regional initiatives to improve maritime and land border

security, and in regional anti-trafficking initiatives. Government tracks the outcome of children rescued from trafficking, and has provided some information on the status of cases brought against traffickers.

INVESTIGATION AND PROSECUTION
OF TRAFFICKERS

28-A: Gabon has a law specifically prohibiting trafficking in persons. The law does not distinguish between children trafficked for sexual purposes and those trafficked for labor. Law 09/04, enacted September 21, 2004, protects children against trafficking into Gabon and can carry prison sentences of 5-15 years and fines from \$20,000 to \$40,000. Gabon has not implemented any new legislation since the last TIP report.

This law does not make provisions for internal trafficking. Should such a case occur, the Gabonese constitution and labor codes protect children against exploitation. Criminals can be charged with violating child labor and truancy laws. Chapter 4, Article 177 of the Gabonese labor code states that children cannot be employed under the age of 16, without the authorization of a special decree. Law Number 9/66 of the Gabonese constitution obliges all children living in Gabon to attend school between the ages of 6 and 16.

The trafficking law (Law 09/04) also does not protect victims over the age of 18. However, current Gabonese legislation bans all forms of forced labor.

28-B: There are no prescribed penalties for trafficking people for sexual exploitation. However, anyone accused of sexual exploitation can be brought up on charges from Articles 255 to 263 of the Gabonese penal code.

28-C: While Gabon's law against child trafficking imposes

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criminal penalties upon those convicted of trafficking offences. The law does not distinguish between children trafficked for sexual purposes and those trafficked for labor; however, it explicitly prescribes penalties for trafficking for labor exploitation. The law treats traffickers and those who employ trafficking victims the same.

To date, however, there have been no successful prosecutions of individuals arrested for child trafficking offenses. Nor have there been suspended sentences of prosecutions resulting only in the imposition of fines.

Slow and ineffective prosecution, combined with lengthy pretrial imprisonment, are unfortunately hallmarks of the Gabonese judicial system for most detainees, including suspected traffickers. Most participants in this flawed system, including police, detainees, lawyers, and human rights advocates, view these lengthy detentions as a de facto form of punishment.

According to statistics from the Gabonese government, 16 persons were arrested for suspected trafficking offenses between January 2007 and February 2008. Of those arrested, three escaped. Five were released by the tribunal pending further proceedings because of "hardship", including the need to care for lawfully dependant children. Eight persons were awaiting trial and judgment by the end of the period. All the persons arrested were women. Government also reports that it is attempting to bring a case against a male citizen of Benin whom it suspects of trafficking.

28-D: Penalties for rape range from two to ten years in prison and fines, and are not as stringent as those against trafficking for commercial sexual exploitation.

28-E: There are no laws specifically outlawing prostitution, but activities that profit from prostitution, including pimping and brothels, are criminalized. Police can apply public obscenity laws to prostitution, which carry a prison sentence of 1 to 2 years.

28-F: As noted above, 16 persons were arrested for trafficking offenses between January 2007 and February 2008. None of those cases had proceeded to trial and resolution before the end of the review period. In Gabon's judicial system, a case can take up to two years before a trial. Even after the verdict is announced, no definitive conviction can be announced until all appeals have been exhausted. That process can take significant additional time.

Ministry of Justice officials say that pre-2007 trafficking cases have also languished because the victims were repatriated to their countries prior to trial. The Ministry of Justice says it has worked with other relevant government agencies so that the victims can stay in Gabon, and receive appropriate care, until the prosecution makes its case.

In the cases of women operating in open-air markets, traffickers are sometimes also the employer of trafficked children. Except for these cases, there have been no other arrests or prosecutions of employers of trafficked children.

The Ministry of Justice is currently working on a project to assign judges for two year terms to work exclusively on trafficking cases.

28-G: The government has worked with international organizations (including the ILO and foreign embassies) to provide various forms of specialized training on human trafficking. Training has focused on prevention and assistance to victims. The Gabonese government has fully subscribed to anti-trafficking training when offered, allowing law enforcement and ministry officials the time to attend. Gabonese officials have expressed strong interest in the upcoming Department of Justice International Criminal Investigative Assistance Training Program (ICITAP) project.

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28-H: Gabon advocates a regional approach to trafficking problems. A regional information-sharing hub for law enforcement agencies proposed in 2004 is not yet operational.

A Gabonese delegation attended a joint conference of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS or CEEAC in its French acronym) in Abuja in July 2006, where an accord was signed to address trafficking from a regional approach. Following the completion of its Plan of Action 2008, the inter-ministerial committee plans to work on the implementation of the requirements of that agreement. Gabon also attended a regional meeting on child protection in Sao Tome and Principe in September 2007, at the invitation of the Government of the Republic of Sao Tome and Principe and the General Secretariat of CEEAC, with support from UNICEF.

The government works with other countries' governments on the repatriation of victims to their countries of origin. Law enforcement officials maintain informal and unofficial contact with counterparts in countries of origin.

28-I: There have been no instances of extradition for individuals accused of trafficking by other states, nor of any requests by other governments for Gabon to do so. Gabon has extradited foreigners to their home countries when requested by law enforcement authorities.

28-J: There is no evidence implicating the government in trafficking. The lack of political will to punish the employers of trafficked children is at times viewed as government toleration of the practice.

28-K: No government officials have been implicated in trafficking or corruption connected with trafficking.

28-L: Gabon contributes a small number of troops to a peacekeeping operation in the Central African Republic. There have been no reported instances of them engaging in or facilitating trafficking, or exploiting victims of such trafficking.

28-M: Gabon has not been identified as being a child sex tourism destination.

PROTECTION AND ASSISTANCE
TO VICTIMS

29-A: The inter-ministerial committee sponsored a workshop in February that included all committee members, NGO representatives, and several international partners, including UNICEF, to discuss ways in which to better care for victims of child trafficking. Recommendations included issuance of temporary living permits to victims awaiting repatriation so they could better access social services and the formulation of an easier reinsertion process. These and other recommendation will be put forward as proposed legislation at a later date.

Generally, government supports efforts by reception centers to care for trafficked children. It also allows de facto temporary residency status and does not deport trafficked children.

29-B: The government has three reception centers in Gabon for trafficking victims, which provide educational, medical, and psychological services. Two centers are located in Libreville and one in Port Gentil. Child victims reside in a center until their repatriation can be arranged. Reception centers are clean and adequately funded, and center staff members work with the embassies of countries of origin to repatriate victims.

Comprehensive official figures on number of victims and funding sources are unavailable. However, government reports

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that for the year ending February 2008, nine children had been repatriated from the three reception centers, eight remained at the centers, and 10 had left the centers under other arrangements. Two of those had had left the centers, aged 17 and 20, were subsequently arrested.

Government reports that between January 2007 and February 2008, 24 suspected child trafficking victims were rescued from living on the streets. Of these, 11 were placed in foster families, and five returned to their natural families. Eight were reported to have fled and returned to live on the streets.

29-C: The government provides some material support to NGOs and UNICEF to fight trafficking. There is a joint UNICEF-government call center which is staffed by employees of the Gabonese government, housed in a government-owned office building, with expenses covered by the Government. UNICEF has fully or partially funded numerous projects and initiatives related to child trafficking at the national and regional level.

29-D: Security forces attempt to identify trafficking victims among high-risk persons with whom they come in contact. The security forces screen apparent trafficking victims based on age. Those 16 and under are placed in the Government-run center or temporary family foster arrangements; older victims are placed with a Catholic charity; and Nigerian victims are placed with the Nigerian Embassy.

29-E: Gabon has no law specifically outlawing prostitution, although activities profiting from prostitution are criminalized. The government does not have an effective mechanism for screening for trafficking victims among persons involved in the commercial sex trade.

29-F: Victim's rights are generally respected. Victims are typically housed in reception centers or foster families until repatriated. Victims have been housed in jails overnight on occasion, but were not confined in the cells and were segregated from criminal detainees.

There is one case of two Beninese citizens, currently aged 17 and 20, who presented themselves to Gabonese authorities as victims of trafficking, and identified a Beninese man as the trafficker. When confronted, the accused trafficker made counter-accusations against his accusers--who were jailed for two months. The case is ongoing, with government officials examining possible criminal proceedings against all involved.

UNICEF is working with Ministry of Justice officials to ensure that the rights of the alleged trafficking victims are respected in these proceedings.

29-G: Victims and their testimony are needed for prosecution of the offenders. While testimony has been taken by law enforcement agencies in the course of arrests, in many of the older pending cases the victims were repatriated before the prosecution could depose them. This has slowed down prosecution in these cases. The Ministry of Justice has worked with other relevant government agencies to keep the victims in Gabon (and taken care of) until the prosecution can make their case. There have been no known instances of victims taking civil legal action against their traffickers, but the poverty and lack of education on the part of both traffickers and victims make such action unlikely. There are no programs for restitution.

29-H: The government has no witness protection program. The government-run centers are the primary shelters for trafficking victims.

29-I: The government does not provide specialized training for officials, but encourages NGOs and donor countries to provide training, and permits and encourages full participation in the training by security and ministry officials.

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29-J: There have been no reports of Gabonese trafficking victims being repatriated from other African states.

29-K: UNICEF and the Italian NGO ALISEI are active in Gabon. Both organizations provide assistance to victims and assist in the training of law enforcement and ministry employees. The government provides material resources to these entities, but does not contribute any monetary assistance.

PREVENTION

30-A: Gabon acknowledges trafficking as a problem, and has taken steps to fight the problem, including the passing of a trafficking law, the support of victim care centers, participation in international anti-trafficking efforts, and the arrest and detention of alleged traffickers. Gabon, a destination country for both trafficking and regional labor migration, sees itself as victimized by a problem that is created by regional poverty. Gabon therefore argues strongly for a regional approach to prevent trafficking. Gabonese authorities further assert that it is the responsibility of the country of origin to contribute to the costs of victim care and repatriation. Government officials expressed their

intention to work closely with members of CEEAC, in particular, but also ECOWAS, to ensure the commitments made at the 2006 ECOWAS/CEEAC conference are met.

30-B: The government ran information/educational campaigns throughout the year. Gabon's inter-ministerial committee ran campaigns to target cities, towns and villages outside of Libreville. Government media also provided coverage to trafficking issues, including the ongoing regional initiatives.

30-C: The government worked throughout the year with local and international organizations on prevention and protection of victims. ALISEI worked with government and other partners to establish a network of NGOs working on the issue. In February 2008, ALISEI, with its government and other NGO partners, released a collection of all of the current laws and regulations concerning child trafficking to foster better understanding among all of the actors in the fight against this problem.

30-D: The government attempts to monitor both emigration and immigration. Political will supports serious efforts to combat illegal immigration. Despite political will, however, traffickers take advantage of Gabon's mainly long and poorly patrolled coastline as well as its porous land borders. The government continues to expend effort and resources to improve immigration controls.

30-E: There is an Inter-Ministerial Committee to Combat Child Trafficking which has been more active this year than in the past. However, the committee still has no clearly defined budget or offices, and there are significant problems in coordination among various government agencies. The government also has a commission to combat corruption and a minister responsible for oversight of anti-corruption activities. The president has also spoken out strongly against corruption. Anti-corruption activities have so far had mixed success, however.

30-F: In 2007, the Inter-Ministerial Committee to Combat Child Trafficking developed a TIP strategy, drafted with input from NGOs and international agencies, but was unable to fully implement it due to resource constraints and lack of coordination. The committee is preparing its plan of action for 2008. The Gabonese Gendarmerie and National Police have taken the initiative to implement anti-trafficking law enforcement strategies.

30-G: There was no government action during the reporting period to reduce the demand for commercial sex acts.

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30-H: Not Applicable.

30-I: Not Applicable.
REDDICK